IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 25469 of 2007(F)

PETITIONER:

A.N. THANKAPPAN, AGED 69 YEARS,
S/O. NARAYANAN, ALAMATTATHIL HOUSE,MATHAIPARA P.O.
IDUKKI DISTRICT, PIN-685 505 (NOW RESIDING AT
MUTHANPADY WARD NO.II OF UPPUTHARA PANCHAYATH),
IDUKKI DISTRICT.

BY ADV. SRI.SARVOTHAMAN

RESPONDENTS:

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1. SECRETARY,
UPPUTHARA GRAMA PANCHAYAT, UPPUTHARA P.O.,
IDUKKI DISTRICT-685 505.

2. SECRETARY,
ARAKULAM GRAMA PANCHAYAT, MOOLAMATTOM P.O.,
IDUKKI DISTRICT-685 589.

3. ASST. EXECUTIVE ENGINEER,
K.S.E.B. SECTION OFFICE (ELECTRICAL SECTION),
UPPUTHARA, IDUKKI DISTRICT-685 505.

4. SMT. LEELA THANKAPPAN,
ALAMATTATHIL HOUSE, KOTHAPARA, IDUKKI DIST.685505.

5. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVERNMENT LOCAL
SELF GOVERNMENT INSTITUTIONS DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY G.P. SRI.K.J.MUHAMMED ANSAR.
BY SRI.P.P.THAJUDDIN (SC KSEB)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

THIS WRIT PETITION WILL STAND DISMISSED FOR NON PROSECUTION.

10.9.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

/TRUE COPY/

P.A. TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 25469 of 2007

Dated this the 19th day of November , 2007

JUDGMENT

The Tribunal for Local Self Government Institution, Thiruvananthapuram, is impleaded suo motu as additional 5th respondent. The Registry will carry out necessary corrections in the cause title.

2. According to the petitioner, building which was having Door No.25 in Ward No. 10 of Arakulam Panchayat belong to him. Ext.P1 certificate of ownership was issued in his favour by the Panchayat on 25.2.2000. At the very same Panchayat, however, when the petitioner filed an application in 2006 for a fresh ownership certificate, he was issued Ext.P4 wherein, it is stated that since the ownership has been changed in favour of the 4th respondent as early as in 20.1.2000, it is not possible to issue the ownership certificate. Against Ext.P4, the petitioner preferred an appeal to the committee of the Panchayat and the committee rejected the petitioner's appeal by Ext.P6 resolution. Against Ext.P6, the petitioner preferred Ext.P7 appeal before the Tribunal. Ext.P7 appeal, is yet to be disposed of.

Sri.K.V.Sarvoththaman, the learned counsel for the petitioner submitted that if, as a matter of fact, ownership had been changed as stated in Ext.P4 on 20.1.2000, it would not have been possible for the 2nd respondent Panchayat to issue Ext.P1 on 25.2.2000 in the petitioner's favour.

I do not propose to go into the merit of the disputes. After all Ext.P7 appeal is pending before the Tribunal, the writ petition will stand disposed of directing the Additional 6th respondent to hear the petitioner and also the 4th respondent and dispose of Ext.P7 appeal in accordance with law, if the same is now pending . The Tribunal shall comply with the above direction at the earliest and at any rate within two months of receiving a copy of this judgment.

PIUS C. KURIAKOSE,
JUDGE.

Dpk